

1 A. More than that; add corporals onto that
2 and that would be another 15 or so people. That
3 area was -- generally, there was no written
4 procedure, but generally, we wanted a supervisor
5 present. We didn't want just officers going into
6 that room and viewing video alone, so as long as
7 they had a supervisor present, they can draw the
8 keys and access the DVR room.
9 Q. As of August of 2012, was it possible for
10 someone watching video in education to delete any
11 video footage?
12 A. No, no, that's impossible. The system is
13 designed that way that you can't -- that someone
14 couldn't sabotage the DVR system and cause it to
15 delete anything.
16 Q. Turning to topic 10, was any discipline
17 given to any NCF employee as a result of the
18 August 2012 incident resulting in injuries to
19 Jonathan Leite?
20 A. So to correct myself before we -- before I
21 had to step out, speaking as a chief of security, I
22 don't have access to that information, but speaking
23 on behalf of the New Hampshire Department of

1 Corrections, there was a file review done by the
2 human resources department and there was no
3 discipline, counseling or coaching given to any
4 officer or staff member from that date.
5 Q. How do you know that one of the 35 to 40
6 people who had access to the video in education as
7 of August 2012 didn't show Officer Bergeron footage
8 of the 4:50 p.m. round for counseling or coaching
9 purposes, if not disciplinary purposes?
10 A. Just speaking hypothetically, if that did
11 occur, it was on -- it wasn't written down anywhere
12 that that occurred.
13 Q. Okay. Did you make any inquiry as to the
14 35 to 40 people who had access to video in
15 education in August of 2012 whether they showed
16 Kathy Bergeron footage of the 4:50 p.m. round
17 approximately a week after the August 24, 2012
18 incident?
19 A. No, I haven't.
20 Q. When you were talking to Officer Bergeron
21 recently in preparation for your 30(b)(6)
22 deposition, did you tell her that she was mistaken
23 in her deposition testimony?

1 A. Yes. Like I had mentioned earlier, I said
2 I -- I told her, Kathy, that isn't possible that
3 you saw that round, we don't have that video
4 downloaded, and then that's where she said, you
5 know, it was five years ago, I probably got the
6 times wrong, I'm sorry, but she just -- what she
7 was sure about was that she saw herself do a round,
8 she saw herself on the video do a round and then
9 she saw the footage of Mr. Leite being lifted back
10 into the bunk.
11 Q. When you were speaking with Officer
12 Bergeron in preparation for your 30(b)(6)
13 testimony, did you explain to her that there was a
14 possibility that she had seen video footage of the
15 4:50 p.m. round, but saw it in education rather
16 than in upper housing?
17 A. My impression when I talked to her was
18 that she was in upper housing when she saw the
19 video.
20 MR. KING: Read back my question, please.
21 (The requested portion was read back by
22 the reporter.)
23 A. Yes, that's an obvious -- staff knew where

1 the DVRs were located, that's definitely --
2 Q. So you told Officer Bergeron, in your
3 recent conversation with her to prepare for your
4 deposition today, that she could have seen the
5 footage of the 4:50 p.m. round in education?
6 A. No.
7 Q. That's what I was asking. You just told
8 her that she was mistaken, that it was impossible
9 that she could have seen the 4:50 p.m. footage?
10 MS. CUSACK: Objection to form. Go ahead.
11 A. I told her that if you watched it -- like
12 I said, she gave the impression that there were
13 other people around and it was in the upper housing
14 office and someone showed her the video, and I told
15 her, like, what you said in your deposition, that's
16 not possible because that video clip doesn't exist
17 of the 1650 round, and that's where she explained
18 that, you know, it's five years ago, I probably got
19 the times wrong.
20 Q. So you told her it didn't exist, even
21 though the video footage did, in fact, exist on
22 August 31, 2012, right?
23 A. Correct.